

00-*R*-1037

Entered - 06/12/00 - sb
CL00L0349 - DIANNE C. MITCHELL

CLAIM OF: MICHAEL GARRETT,
through his attorney,
Kenneth S. Nugent
1355 Peachtree Street
Suite 1000
Atlanta, Georgia 30309

For damages alleged to have been sustained as a
result of a vehicular accident on May 11, 2000 at
332 Ponce de Leon Avenue.

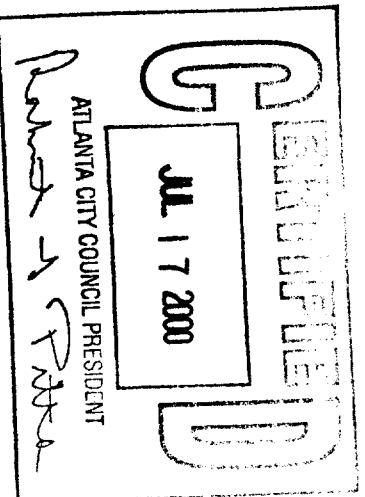
THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVISED REPORT
COM. *P.S. L.H.*
7/11/00
CONSENT AGENDA

ADVERSED BY
CITY COUNCIL JUL 17 2000

7/11/00
C. T. Hunter
Chad Hunter
Henry Davis



CERTIFIED
JUL 17 2000
Rose L. Bunch
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 28, 2000

Kenneth S. Nugent
Attorney at Law
1355 Peachtree Street
Suite 1000
Atlanta, GA 30309

00-R-1037

RE: Michael Garrett

Dear Attorney Nugent:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 17, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0349

Date: June 26, 2000

Claimant /Victim MICHAEL GARRETT
BY: (Atty) Kenneth S. Nugent
Address: 1355 Peachtree Street, Suite 1000, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 06/09/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/11/00 Place: 332 Ponce de Leon Avenue
Department Public Works Division: Sanitary Services
Employee involved Michael Garrett Disciplinary Action:

NATURE OF CLAIM: The claimant, a City employee, alleges he was injured while driving a City vehicle that was involved in a vehicular accident with a third party. As a City employee, the claimant's exclusive remedy for recovery against the City is through his Workers' Compensation benefits. The claimant's attorney has been advised to pursue this claim through Workers' Compensation.

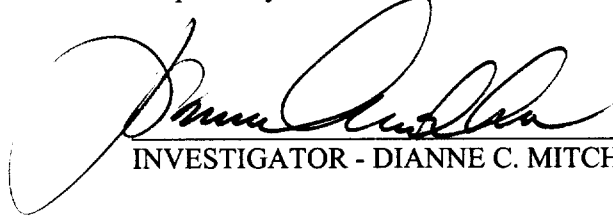
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 06-26-00
Committee Action: Council Action

KENNETH S. NUGENT, P.C.
ATTORNEYS AT LAW

1355 PEACHTREE STREET
THE PEACHTREE, SUITE 1000
ATLANTA, GEORGIA 30309
(404) 875-0900
FAX (404) 872-7562

Mitchell
06/09/00
DM

KENNETH S. NUGENT
JOHN T. RUFF
WILLIAM D. HOLMAN *
JOHN C. FORBES, JR.
RUSSELL T. DEUTSCHMAN
ADAM W. DEEVER
TERI D. PODUVAL
BARBARA BARNETT CLARIDGE ♦
WENDY A. HEANEY
M. BRIAN CLEMENTS
MICHAEL G. ORR
AHKIBAH KHAN

OFFICES
THROUGHOUT
GEORGIA

* ALSO ADMITTED IN TENNESSEE
♦ ADMITTED IN ALABAMA

June 5, 2000
ENTERED - 6-12-00 - SB
00L0349 - DIANNE MITCHELL

VIA CERTIFIED MAIL

City of Atlanta
Ste. 4100, City Hall Tower
68 Mitchell St., S.W.
Atlanta, GA 30335-0332

RE: Clients : Michael Garrett, *Fresoloneso Wells, Robert Thomas*
Insured : City- Atlanta/Sanitation
Policy No. :
Date of Accident : 5/11/2000
Our File No. : 218646

Dear Sir/Madam:

Our firm represents Michael Garrett for personal injuries sustained as a result of the referenced accident.

Please advise us if your insured carries medical payments coverage, loss wage coverage and uninsured motorist coverage, and if so, your limits of said coverage.

Pursuant to O.C.G.A. 33-3-28, you are instructed to provide your insurance coverage information within 60 days of the date of the receipt of this letter.

We look forward to working with you in this matter.

Sincerely,

Ken S Nugent

Kenneth S. Nugent, Esq.

LRE/lre

Encl.

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